

Remarks

Claims 1-18 are pending in this application.

The sections set forth below are presented in the same order as that contained within the Office Action of September 14, 2004 for ease of reference.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1, 5, 7-13 and 15-17 were rejected for allegedly being unpatentable over Mometti, EP 0,824,942 A1 ("Mometti") in view of Reuss et al., U.S. Patent No. 6,250,651 ("Reuss").

The present invention is directed to an adjustable strap assembly for a binding that includes a lateral strap, an instep pad, and a medial strap as depicted in Fig. 1 of the application. As recited by independent claims 1 and 9, the instep pad includes a connection device for adjustable connection to the lateral strap, and an engagement device positioned on a raised ramp area adjacent a second distal end. The medial strap includes an elongated slot, and the assembly further includes an adjustable retention assembly associated with the elongated slot to releasably secure the medial strap to the instep pad. Fig. 2 illustrates an embodiment of the novel strap assembly, wherein the instep pad 28 includes the connection device 34 and the engagement device 45, the medial strap 22 includes the slot 40, and the retention assembly 50 comprises a strap retaining cover 52, screw 51 and t-nut 53.

In contrast, Mometti discloses a rear-entry binding for a snowboard that permits a user to automatically lock the binding to a snowboard boot, and to automatically unlock the binding (see Mometti, col. 1, lines 20-30 and col. 4, lines 7-10). As recognized on page 3 of the Action, Mometti fails to suggest or teach a medial strap having an elongated slot. Moreover, Mometti does not teach or suggest an engagement device positioned on a raised ramp area of the instep pad for adjustable connection to a retention assembly associated with the elongated slot, as recited by present independent claims 1 and 9. The reference to a "silent, second ratchet buckle" within parenthesis on page 3, line 6 of the Action is not fully understood by the applicant since there is no indication, either in the specification or in the figures of Mometti, of the existence of such an engagement device or adjustable retention assembly associated with the medial strap 4b illustrated in Fig. 1 of Mometti.

Furthermore, the applicant respectfully asserts that there is no such engagement device associated with Mometti's collar band 4, because an adjustable medial strap 4b would defeat

the automatic closure and locking features of Mometti's binding. In particular, referring to Figs. 1-4, Mometti's device includes two identical flat levers 16 and 17 having respective ends fulcrummed on front sections 5a and 6a of edges 5 and 6 of a base plate 2. Opposite ends 4a and 4b of the collar band 4 on the other ends of the levers 16 and 17 are pivoted with a common pivoting axis 15. Consequently, the entire collar band 4 is angularly movable in relation to the levers 16 and 17, and is angularly movable with these above the fulcrum axis 18, 19 (col. 3, lines 2-14). A user inserts his boot near the rear of the binding and then presses down on the pin 14 such that a heel element 3 and the collar band 4 (the overall strap) move closer together with a pincer-like movement to close over the booted foot (see col. 3, line 45 to col. 4, line 2). Figures 2 to 4 show Mometti's device 1 in the open, intermediate and closed positions, respectively, and Mometti explains that the binding automatically closes and locks the user's boot therein, so that the user can begin the sports activity (col. 3, line 36 to col. 4, line 10).

The Ruess patent does not remedy the deficiencies of Mometti. In particular, Ruess discloses an adjustable strap configuration that limits the separation of two strap portions from each other, so that a user can quickly and easily use a one-hand operation to fully loosen and tighten the strap without the need to rejoin the strap portions to each other (see Ruess, col. 2, lines 60-64). As shown in Figs. 1-6, the strap 20 includes an engagement strap portion 22 with one fastening device (ratchet buckle 24), and a ratchet strap portion 26 that fits through the buckle to be adjusted for desired tightness (col. 3, lines 5-11). The ratchet strap 26 may include a rounded or tapered tip 30 that is easy to insert through the buckle (col. 3, lines 17-20). An elongated track 34 on the engagement strap 22 guides and limits the travel of an anchor 36 along the strap (col. 3, lines 42-51). This feature prevents the anchor from fully disengaging from the strap so that the strap portions do not fully disengage from each other. Thus, Ruess also fails to teach or suggest an engagement device positioned on a raised ramp area of an instep pad for adjustable connection to a retention assembly associated with the elongated slot, as recited by present independent claims 1 and 9. Thus, independent claims 1 and 9 are patentably distinct from Mometti and Ruess, either taken alone or in combination.

In view of the above remarks, the applicant respectfully asserts that claims 1 and 9 are patentably distinct from the Mometti and Ruess patents, either taken alone or in combination. Since claims 5, 7, 8, 10-13 and 15-17 all directly or indirectly depend on claims 1 or 9, these dependent claims should be allowable for at least the same reasons. Consequently, the

applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejections of claims 1, 5, 7-13 and 15-17.

Claims 2, 6, 14 and 18 were rejected for allegedly being unpatentable over Mometti in view of Ruess, and further in view of various combinations of Katz, U.S. Design Patent No. D308,997, Valsecchi et al., U.S. Patent No. 4,683,620, and Gonthier, U.S. Patent No. 6,773,020.

Claims 2 and 6 depend either directly or indirectly upon claim 1, and claims 14 and 18 depend either directly or indirectly on claim 9. Claims 1 and 9 are patentably distinct from the Mometti and Ruess patents as explained above. The devices described by the Katz, Valsecchi and Gonthier references do not cure the deficiencies of Mometti and Ruess as described above, and thus dependent claims 2, 6, 14 and 18 should be allowable thereover for at least the same reasons as claims 1 and 9.

In view of the above remarks, the applicant respectfully requests withdrawal of all of the 35 U.S.C. 103(a) rejections of claims 1-18.

The prior art references of record but not relied upon have not been discussed herein as none of those references have been applied to any of the claims.

Conclusion

The applicants respectfully submit that the entire application is in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all pending claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and to expedite the eventual allowance of these claims.

Respectfully submitted,

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Stephan J. Filipek (Reg. No. 33,384)

WINSTON & STRAWN LLP
CUSTOMER NO. 28765

(212) 294-2649